

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN and DR. LUCILLE LEVIN,

Plaintiffs,

-v-

THE BANK OF NEW YORK MELLON,
JPMORGAN CHASE & CO., JPMORGAN
CHASE BANK, N.A., SOCIÉTÉ
GÉNÉRALE, and CITIBANK, N.A.

Defendants.

THE BANK OF NEW YORK MELLON,
JPMORGAN CHASE & CO., JPMORGAN
CHASE BANK, N.A., SOCIÉTÉ
GÉNÉRALE, and CITIBANK, N.A.

Third-Party Plaintiffs,

-v-

STEVEN M. GREENBAUM, *et al.*

Third-Party Defendants.

(FILED PARTIALLY UNDER SEAL
DUE TO CONFIDENTIAL
INFORMATION SUBJECT TO
PROTECTIVE ORDER)

Civ. No. 09 CV 5900 (RPP) (MHD)

**DECLARATION OF JAMES M.
DORSEY IN SUPPORT JUDGMENT
CREDITORS' REPLY IN SUPPORT
OF RENEWED JOINT MOTION FOR
PARTIAL SUMMARY JUDGMENT
ON SINGLE PHASE TWO ASSET
AND OPPOSITION TO DEFENDANT
[REDACTED] MOTION FOR
SUMMARY JUDGMENT**

DECLARATION OF JAMES M. DORSEY

I, James M. Dorsey, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, declare:

1. I am an adult citizen of the Federal Republic of Germany and a resident of the Republic of Singapore.

2. My qualifications are listed in my Declaration dated June 1, 2014, in Support of the Judgment Creditors' Renewed Joint Motion for Partial Summary Judgment on Single Phase Two Asset ("June 1 Declaration"), at ¶¶ 2-11.

3. I have reviewed the [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] (the "[REDACTED] Decl.").

4. It is my professional opinion that a majority of the [REDACTED]
[REDACTED] (the [REDACTED]) [REDACTED] are owned by the Government of the Islamic Republic of Iran ("Iran") or Iranian governmental entities or have other substantial ties to the Government of Iran, and that the Government of Iran has a substantial ownership interest in the [REDACTED]. For further explanation of the Government of Iran's ownership interest in the [REDACTED], see my June 1 Declaration at ¶¶ 12-17.

5. The [REDACTED] Decl. does not present a credible challenge to such opinion. [REDACTED] conclusory assertions to the contrary are not premised upon reliable sources, nor does [REDACTED] claim to possess first-hand knowledge of events and affairs within Iran. Moreover, [REDACTED] also ignores facts that contradict his own unsupported, self-serving opinions. For example, [REDACTED] offers no evidence to support his assertion that [REDACTED]

[REDACTED]
[REDACTED] Decl. at ¶ 34. Nor does [REDACTED] dispute the fact that the [REDACTED] is constituted of member organizations that elect the [REDACTED] board and provide membership fees to the [REDACTED], and that a majority of the [REDACTED] member organizations are owned by government bodies or state-owned entities. See June 1 Declaration at ¶¶ 13-14. Indeed, [REDACTED] offers no evidence to dispute the extensive list contained in my

June 1 Declaration of [REDACTED] member organizations which are owned by the Government of Iran or state-owned entities. *Id.*

6. The Government of Iran organized the [REDACTED] and the [REDACTED] has been a member of the [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. The [REDACTED] serves an important national purpose in Iran. Established shortly after the 1979 Islamic overthrow of the shah, the [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8. [REDACTED]

[REDACTED]
[REDACTED]

9. [REDACTED]

[REDACTED]
[REDACTED]

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10. In order to avoid the scrutiny of global governance bodies such as the [REDACTED], the Government of Iran goes to some lengths to conceal its influence and control over the [REDACTED], which it exercises indirectly through its control of the [REDACTED] that are the [REDACTED] voting members, as is documented in my June 1 Declaration at ¶¶ 12-18. The government effort to control [REDACTED], started shortly after the 1979 revolution when all [REDACTED] were nationalized by the Islamic Republic in part because their former owners had been associated with the regime of the Shah.

11. To ensure control, Iran established within the first year of the Islamic revolution the [REDACTED], which funded many of the [REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

¹ [REDACTED]

[REDACTED]

15. [REDACTED] executives and board members are, more often than not, politicians or people with close ties to the government. My Declaration of June 1, 2014 lists 11 Iranian government officials who have prominent roles in the [REDACTED] and its member organizations.

16. [REDACTED] agrees that “[REDACTED]”
[REDACTED]
[REDACTED] Decl. at ¶ 31. The Iranian Revolutionary Guard Corp. (the “IRGC”) has been accused of supporting terrorism and has been charged with the kidnapping and murder of Americans. The court in the underlying Levin action made a factual finding that the IRGC, a branch of the Iranian Government, committed terrorist acts against Mr. Levin. *See Levin v. Islamic Republic of Iran*, 529 F. Supp. 2d 1 (D.D.C. 2007).

17. It is my opinion that the [REDACTED] has the exclusive right to organize and manage [REDACTED] in Iran as well as to organize and manage the

[REDACTED]

[REDACTED]

18. It is my opinion that the Government of Iran in fact treats the [REDACTED] as an arm and instrument of the Government, notwithstanding any nominal designation of independence.

19. To conclude that the [REDACTED] is an [REDACTED] [REDACTED] relies on [REDACTED] and its review of the [REDACTED] [REDACTED] Decl. at ¶¶ 24-35. [REDACTED] [REDACTED]. My June 1 Declaration extensively documents the [REDACTED] status in 2010 as an agency and instrumentality of the state. [REDACTED] does not provide any evidence to the contrary.

20. The [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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25. [REDACTED]

[REDACTED]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19th day of July, 2014 in Singapore _____.

_____  _____

James M. Dorsey